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January 22, 2008

BY TELECOPIER

**MEMO ENDORSED**

The Honorable Kenneth M. Karas  
U.S. District Court  
Southern District of New York  
United States Courthouse  
300 Quarropas Street, Rm. 533  
White Plains, NY 10601

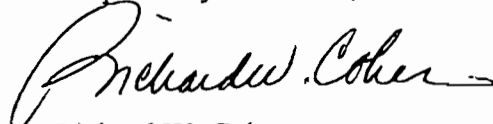
Re: Lowey Dannenberg Cohen, P.C. v. Dugan, et al., No. 08-CIV-0461 (KMK)

Dear Judge Karas:

On January 17, 2008, we commenced this *in rem* action to determine the respective rights of numerous law firms to share proceeds of an account holding approximately \$4.5 million, which our complaint calls the "Rezulyn Settlement Fund."

Pursuant to 28 U.S.C. § 1335(a)(2), Plaintiff needs to file a motion in order to deposit the Rezulyn Settlement Fund, in an interest-bearing account, with the Clerk of the Court. We hereby respectfully request that Your Honor's pre-motion conference requirement be waived and that the Court permit us to file such motion.

Respectfully submitted,

  
Richard W. Cohen

cc: Danc Ciolini, Esq.  
All Parties

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED:
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SO ORDERED

  
KENNETH M. KARAS U.S.D.J.